

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

PERATON, INC. (formerly known as Harris  
IT Services Corporation),

Plaintiff,

V.

RAYTHEON COMPANY,

Defendant.

Case No. 1:17cv979-AJT/JFA

## **RAYTHEON COMPANY'S MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Raytheon moves to dismiss this action on the grounds that the plaintiff has failed to state a claim on which relief can be granted. In support, the Court is respectfully referred to the memorandum of points and authorities filed concurrently with this motion.

Dated: September 7, 2017

Respectfully submitted,

By: /s/ Gregg F. LoCascio

Gregg F. LoCascio, P.C. (VSB # 38908)  
Sean M. McEldowney (*pro hac vice*)  
Kirkland & Ellis LLP  
655 15th Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 879-5000  
Facsimile: (202) 879-5200  
gregg.locascio@kirkland.com

Craig C. Reilly (VSB # 20942)  
111 Oronoco Street  
Alexandria, Virginia 22314  
T: (703) 549-5354  
F: (703) 549-5355  
E: craig.reilly@ccreillylaw.com

Attorneys for Defendant Raytheon Company

**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will automatically provide notice to the following:

Randall K. Miller  
Nicholas M. DePalma  
Taylor S. Chapman  
8010 Towers Crescent Drive, Suite 300  
Tysons, VA 22182  
(703) 905-1449  
(703) 821-8949 (facsimile)  
rkmill@venable.com  
nmdepalma@venable.com  
tschapman@venable.com

/s/ Gregg F. LoCascio, P.C.

Gregg F. LoCascio, P.C. (VSB # 38908)  
Kirkland & Ellis LLP  
655 15th Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 879-5000  
Facsimile: (202) 879-5200  
gregg.locascio@kirkland.com

Attorney for Defendant Raytheon  
Company